IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.23361 of 2008
LAXMAN SAH
Versus
STATE OF BIHAR
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4 27.8.2008 Heard Counsel for the petitioner, Counsel for the opposite party no.2 and Counsel for the State.

Reference may be made to the earlier orders of this Court dated 19.6.2008 and 30.7.2008. Pursuant thereto, the opposite party no.2, the wife of the petitioner, has appeared in person along with her father Raj Dev Prasad. At the same time, the father of the petitioner Raj Kishore Sah who is also an accused in this case, has appeared to represent the interest of his son.

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The father of the petitioner in presence of the Counsel for the petitioner as also the Counsel of the opposite parties has given an undertaking that the opposite party no.2 will be taken back in the family and will be kept with all dignity and there would be no further occasion for the opposite party no.2 to make any grievance as with regard to her stay and relationship in the family of the petitioner.

The opposite party no.2 is also prepared to rely on the said undertaking of the father of the petitioner and has conveyed to this Court that she would stay with the family members of the petitioner including the petitioner and his father.

In view of the possibility of an improved relationship partly mitigating the grievance of the opposite party no.2, this Court would direct for the release of Laxman Sah the petitioner on provisional bail for a period of three months in connection with Sandesh P.S. Case No. 145 of 2007 on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of Chief Judicial Magistrate, Ara, Bhojpur.

The petitioner will surrender after completion of the period of three months in the Court below and the opposite party no.2 will also appear in the Court whereafter the Court the Chief Judicial Magistrate, Ara, Bhojpur will make necessary enquiry from the opposite party no.2 and in case he is conveyed by the opposite party no.2 that she was well treated by the petitioner and his family members, such provisional bail will again be extended for a period of three months.

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On expiry of the aforesaid period of three months, the petitioner will again surrender and the opposite party no.2 will appear before the Court below and the same procedure will be followed and in the event, the Court is satisfied that the opposite party no.2 has been treated well, the provisional bail shall be extended for a period of six months in the like manner.

After completion of a period of one year from the

date of release of the petitioner on provisional bail if the if the Court below finds that the opposite party no.2 has been treated well and there is no grievance on her part, as against the petitioner and/or his family members, such provisional bail of the petitioner will be confirmed.

Even thereafter, if the opposite party no.2 is caused any physical or mental torture either by the petitioner or his father, she will be entitled to file an application for cancellation of bail before the Court below and in that event, the Court below after considering such an application and upon finding that the petitioner had actually caused such physical and/or mental torture, would cancel the bail of the petitioner and take him to custody.

With the aforesaid observations and directions, this application is disposed of.

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Rsh (Mihir Kumar Jha, J.)